Notice Pursuant to the National Cooperative Research and Production Act of 1993—Joint Research and Development Venture Agreement for Industrial Refrigeration

Notice is given that, on July 14, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Philip W. Winkler, Manager, Cryrogenic Refrigerants & Systems of Air Products & Chemicals, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture agreement. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Air Products & Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, PA 18195–1501; and Lewis Energy Systems, Inc., 300 West 1100 North, North Salt Lake, UT 84054, and the general areas of their planned activity are to develop and demonstrate a new form of industrial refrigeration equipment using dry air as the working fluid in a closed cycle at high pressures; an award from the National Institute of Standards and Technology, U.S. Department of Commerce will partially fund this joint research and development activity.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–5039 Filed 3–4–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum Environmental Research Forum Project No. 94–14

Notice is hereby given that, on February 9, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301, *et seq.* (''the Act''), the participants in the Petroleum Environmental Research Forum (''PERF'') Project No. 94–14, titled ''Cooperative Bioremediation Research Program,'' have filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing (1) the identities of the parties to PERF Project No. 94–14 and (2) the nature and objectives of the research program to be performed in accordance with the Project. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the current parties participating in PERF Project No. 94–14 are: Exxon Research & Engineering Company, Florham Park, NJ; Marathon Oil Company, Littleton, CO; Amoco Corporation, Chicago, IL; Texaco, Inc., Port Arthur, TX; Phillips Petroleum Company, Houston, TX; and RETEC, Inc., Pittsburgh, PA.

The nature and objective of the research program performed in accordance with PERF Project No. 94–14 is to provide planning and response guidelines for the use of solidifiers for upstream/downstream petroleum (on land) operations.

Participation in this project will remain open to interested persons and organizations until issuance of the final project report. The participants intend to file additional written notifications disclosing all changes in its membership.

Information about participating in PERF Project No. 94–14 may be obtained by contacting Mr. William Dahl, Exxon Research & Engineering Company, Florham Park, NJ.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–5037 Filed 3–4–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 95–45]

Gilbert Ross, M.D.; Revocation of Registration

On May 24, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Gilbert Ross, M.D., (Respondent) of Great Neck, New York, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AR5677060, under 21 U.S.C. 824(a)(5), and deny any pending applications for renewal of such registration as a practitioner under 21 U.S.C. 823(f). Specifically, the Order to Show Cause alleged in substance that: (1) On November 19, 1992, the Respondent was indicated by a federal grand jury in the Southern District of New York on a 131-count indictment on charges of racketeering (RICO), mail fraud and money laundering arising from the operation of four sham medical clinics in upper Manhattan and the Bronx; (2) on November 10, 1993, after judgment was entered against the Respondent, following a jury trial, on one count of racketeering (RICO) in violation of 18 U.S.C. 1962(d), one count of conspiracy in violation of 18 U.S.C. 1962(c), ten counts of mail fraud in violation of 18 U.S.C. 1341 and 1342, and one count of money laundering in violation of 18 U.S.C. 982 (a)(1) and (b)(1)(A), he was sentenced to 46 months incarceration followed by three years of supervised release and ordered to make restitution to the State of New York in the amount of $612,855.00; and (3) on June 10, 1994, the Respondent was notified by the Department of Health and Human Services of his ten-year mandatory exclusion from participation in the Medicare/Medicaid program pursuant to 42 U.S.C. 1320a–7(a), as a result of the above-referenced conviction.

On June 26, 1995, the Respondent, through counsel, filed a timely request for a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On July 28, 1995, Counsel for the Government filed a Motion to Amend Order to Show Cause and for Summary Disposition, alleging, additionally, that on or about July 20, 1995, DEA received notice from the Administrative Review Board for Professional Medical Conduct of the Department of Health for the State of New York (Medical Board), that the Respondent's license to practice medicine in New York had been revoked effective July 24, 1995. The motion was supported by a copy of the Medical Board's Decision and Order.

On August 10, 1995, the Respondent filed a request for an adjournment of this matter, asserting that judicial review of the Medical Board's decision was pending before a State court. Judge Bittner denied that request on August 11, 1995. The Respondent did not subsequently file a response to the Government's Motion for Summary Disposition. Further, the Respondent did not deny that his State license had been revoked.

On August 24, 1995, Judge Bittner issued her Opinion and Recommended Decision, Conclusions of Law and Recommended Ruling, in which she (1) found that the Respondent lacked authorization to practice medicine in New York; (2) found that the Respondent therefore lacked authorization to handle controlled substances in New York; (3) granted the Government's Motion for Summary Disposition, and (4) recommended that the Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her decision, and on September 25, 1995, Judge Bittner transmitted her opinion and the record

of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the decision of the Administrative Law Judge. The Drug Enforcement Administration cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the State in which he conducts his business. 21 U.S.C. 802(21), 832(f), and 824(a)(3). This prerequisite has been consistently upheld. *See Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *James H. Nickens, M.D.,* 57 FR 59847 (1992); *Roy E. Hardman, M.D.,* 57 FR 49195 (1992); *Myong S. Yi, M.D.,* 54 FR 30618 (1989); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Judge Bittner also properly granted the Government's motion for summary disposition. Here, the parties did not dispute that the Respondent was unauthorized to practice medicine and to handle controlled substances in New York, the State in which he maintains his DEA Certificate of Registration. Although the Respondent disagreed with the action of the Medical Board, he presented no evidence to contradict the fact that he is currently without authorization to handle controlled substances. Therefore, it is well-settled that when no question of fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. *See Dominick A. Ricci, M.D.,* 58 FR at 51104 (finding it ''well settled that where there is no material question of fact involved, a plenary, adversarial administrative hearing [was] not required. Congress did not intend administrative agencies to perform meaningless tasks.''); *see also Phillip E. Kirk, M.D.,* 48 FR 32887 (1983), *aff'd sub nom Kirk v. Mullen,* 749 F.2d 297 (6th Cir. 1984); *Alfred Tennyson Smurthwaite, M.D.,* 43 FR 11873 (1978); *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO,* 549 F.2d 634 (9th Cir. 1977).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AR5677060, previously issued to Gilbert Ross, M.D., be, and it hereby is, revoked, and that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective April 4, 1996.

Dated: February 28, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–5006 Filed 3–4–96; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Employment Service Reporting System

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)).

The Employment Service Program Reporting System provides data on State public employment service agency program activities and expenditures, including services to veterans, for use at the Federal level by the U.S. Employment Service and the Veterans Employment and Training Service in program administration and provides reports to the President and Congress. Currently, the Employment and Training Administration is soliciting comments concerning the proposed revision of information collection for the Employment Service Reporting System, on Form ETA 9002 A–C, ETA Quarterly Report; Form VET 200 A & B, VETS 200 DVOP/LVER Quarterly Report; Form VETS 300, VETS 300 Cost Accounting Report; and the Manager's Report on Services to Veterans.

Proposed revisions are: (1) To delete the line item reporting Non-Personal Service and Administrative Overhead on the VETS 300 Cost Accounting Report—minimal burden reduction; and (2) to reduce burden hours by eliminating the need for reprogramming of information on the SMOCTA program; and (3) to incorporate the approved burden hours for the Manager's Report on Services to Veterans.

A copy of the proposed information collection request can be obtained by contracting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before May 6, 1996. Written comments should evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

ADDRESSES: Pearl Wah, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N–4470, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–219–5185 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Information on basic labor exchange services is necessary to assure that States are complying with legal requirements of the Wagner-Peyser Act as amended by the Job Training Partnership Act (JTPA). Program data items are required from States reporting to the Department of Labor as part of other information in order to determine if States are complying with the basic labor exchange requirements.

Information regarding employment and training services provided to veterans by State public employment service agencies must be collected by the Department of Labor to satisfy legislative requirements, as follows: (a) To report annually to Congress on specific services (38 U.S.C. 2007(c) and 2012(c)); (b) to establish administrative controls (38 U.S.C. 2007(b)); and (c) for administrative purposes.

II. Current Actions

This is a request for OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A) to revise the collection of information previously approved and assigned OMB Control No. 1205–0240. This package will incorporate the burden activity and hours previously approved and assigned OMB Control No. 1293–0007 for the Manager's Report on Services to Veterans.